

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
HELAL AHMED, PARVEZ ALI, MD. G. MIAH, :
ENAMUL SHAKUR, CARLOS ORTIZ, GRZEGORZ :
KOCIECKI, MAHBUBUL KARIM, TANVIR SHAHID, :
ADRIAN DOMINGUEZ RESENDIZ, CESAR :
ABAMBARI, HORACIO HERNANDEZ, JOSE REYES, :
PATRICIO GONZALEZ, SHAILENDRA SHRESTHA, :
ROHIT TALWAR, MARCOS REYES, ROBERTO :
SEGUNDO, FELIX SEGUNDO, and AUGUSTIN :
REYES, on behalf of themselves and other similarly : 07-CV-3512 (JSR) (FM)
situated current and former restaurant workers employed :
by Defendants, : **NOTICE OF MOTION**
:
Plaintiffs, :
:
v. :
:
DEVI RESTAURANT, LTD., RAKESH AGGARWAL, :
SUVIR SARAN, and HEMANT MATHUR, :
:
Defendants. :
-----X

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Motion to Dismiss the Third Amended Complaint on Behalf of Suvir Saran and Hemant Mathur, dated December 7, 2007, Defendants Suvir Saran and Hemant Mathur will move this Court before the Honorable Jed S. Rakoff on a date to be set by the Court, in the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Third Amended Complaint in its entirety with prejudice and for such further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1(b) of the Local Civil Rules of the United States District Court for the Southern District of New York, answering papers, if any, must be served and filed by December 21, 2007.

Dated: New York, New York
December 7, 2007

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP

By: /s/
Scott B. Gilly (SG-6861)

350 Fifth Avenue, Suite 5720
New York, New York 10118
Telephone: (212) 239-9292
Facsimile: (212) 239-9001
Attorneys for Defendants Suvir Saran
and Hemant Mathur

TO: Suyin So, Esq.
Pryor Cashman LLP
410 Park Avenue
New York, NY 10022
Attorney for Plaintiffs

Tushar Sheth
Asian American Legal Defense and Education Fund
99 Hudson Street
New York, New York 100113
Attorney for Plaintiffs

Arthur Forman, Esq.
98-20 Metropolitan Avenue
Forest Hills, New York 11375
Attorney for Defendants Devi
Restaurant, Ltd. and Rakesh
Aggarwal